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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,777	02/16/2005	Toshifumi Yoshikawa	056205.55944US	8697

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EXAMINER

CAVALLARI, DANIEL J

ART UNIT	PAPER NUMBER
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2836

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/524,777	YOSHIKAWA ET AL.	
	Examiner	Art Unit	
	Daniel J. Cavallari	2836	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 February 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/16/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The examiner acknowledges a submission of the preliminary amendment filed on 2/16/2005. The amendments to claims 5, 10, 11, and addition of claims 13-15 are accepted.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 2/16/2005 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "6" and "7" have both been used to designate the "power line" (See Specification, Pages 7 & 8). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 5, & 7-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regard to Claim 1:

Claim 1 recites the limitation of "...at normal times..." It is unclear what constitutes "normal times". The claim will be examined as best understood to mean "at a time".

Appropriate action is required.

In regard to Claims 5, 7, & 8-15:

Claims 5, 7, 8, & 13 recite the limitation "the power demand side" and "the power supply side" however a "power demand side" nor a "power supply side" has been previously disclosed. Furthermore, it is unclear what is meant by the designation of these "sides". There is insufficient antecedent basis for this limitation in the claim.

Because of the 112 problems with claims 5, 7, 8, & 13, no art can be applied to claims 5, 7, & 8-15.

Claim 12 recites the limitation "the power supply side" however a "power supply side" has not been previously disclosed. Furthermore, it is unclear what is meant by the

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designation of these "sides". There is insufficient antecedent basis for this limitation in the claim.

Because of the 112 problems with claim 12, no art can be applied.

In regard to Claims 6, 8, & 12:

Claims 6, 8, & 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The limitation "and/or" is confusing as it is unclear whether the limitation "and" or the limitation "or" is meant. The claims will be examined as best understood to mean "or".

In regard to Claims 6 & 8:

The term "get close" in claims 6 & 8 is a relative term which renders the claim indefinite. The term "get close" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 rejected under 35 U.S.C. 102(b) as being anticipated by Potter et al.
(US 6,404,075).

In regard to Claim 1

- A power line (106) for supplying power from a distributed power source, read on by the utility supply (108), to a load read on by "Facility Distribution", a power system, read on by generators (104), the load being supplied with power from the power system (104) (See Figure 5 & Column 4, lines 28-53).
- A first switch, read on by "gen main breaker" connecting the load with the power system (114) (See Figure 5).
- A second switch (110) connecting the load with the power line (106) (See Figure 5).

In regard to Claim 2

- A third switch (122) connecting the distributed power sources (108) with a power line (106).

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In regard to Claim 3 & 4

- A command device, read on by "system master controls" (112) (See figure 5) which commands the first, second and third switches.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lampe et al. (US 6,194,794) & Radusewicz (US 2002/0084697).

Lampe et al. (hereinafter referred to as Lampe) teaches:

- A switch connecting a load, read on by switch (34) connected to the load (10) (See Figure 6) to a power system, read on by the utility grid (12) and a power system, read on by turbo-generators (18) (See figure 6).
- A first control unit, read on by switch (36) which adjusts the power consumption of the load (10) by opening and closing the switch, creating a state of load or no-load, respectively (See figure 6).
- A second control unit (40) for adjusting the power generation amount of the distributed power sources (18) in that the circuit breaker (40) can connect or disconnect the turbo-generator, thereby adjusting power generation.

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- A command device (38) to control the control unit (36) (See Figure 6).

Lampe teaches supplying power to a load, read on the building load (10) however fails to explicitly teach supply power to plural loads. Radusewicz teaches a power supply system comprising of plural loads (20) (See Figure 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the plural load supply system of Radusewicz into the system taught by Lampe. The motivation would have been to provide multiple loads power in the building of Lampe instead of having only one load supply.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Suzuki et al. (US 2004/0066094 A1)
- Cratty (US 2002/0014802)
- Aoki et al. (US 6,304,005)
- Young et al. (US 6,465,910)
- Hentunen et al. (US 6,177,738)
- Kern et al. (US 6,181,028)
- Jarrett, Jr. (US 2003/0042794)
- Kern et al. (US 2002/0190576)

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Cavallari whose telephone number is (571)272-8541. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (571)272-2800 x36. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel Cavallari

March 24, 2006


BRIAN SIRCUS
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